

Child and Family Welfare

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Please note our New Address

COUNCIL HOUSE
245 Cooper St.
OTTAWA

Due to the disruption of our services involved in moving from the offices, which we have always occupied, to our new building, the issuance of this November bulletin has been unavoidably delayed.

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Legislation in Canada and Her Provinces

(1929-30)

affecting

SOCIAL WELFARE.

(NOTE:—Since this is merely an informative review of the year's legislation in this field, no comment is made upon any feature thereof, but this must not be interpreted to mean that the legislation so summarized has therefore been given the endorsement or even the approval of the Council. In some instances, the Council will continue to work for the repeal or amendment of legislation, which is contrary to the principles, to which it is pledged, or to the practices, which the experience of its member agencies seems to justify.)

DOMINION OF CANADA.

ALLOWANCES, DEPENDENCY, PENSIONS, ETC.

The Pension Act

(Amendment 1930) (20-21 Geo. V., Ch. 35).

The Pension Act is substantially amended, widening the meaning of the word pension to include not only a pension on account of the death or disability of a member of the forces but "additional pension, temporary pension, additional payment, final payment, or any other payment awarded under this Act to, or in respect of any member of the forces."

Provision is made for the appointment of a Pension Tribunal of nine members, serving in ten year terms, the Chairman to reside at Ottawa. This Tribunal is to sit at various points throughout Canada.

Provision is also made for a Pension Appeal Court of three members, all to reside at Ottawa.

Provision is further made for the appointment of registrars to the Tribunal, and Court, and such medical and clerical assistance, as may be required.

Within the Department there is to be created a Veterans' Bureau, to be administered by a chief pensions advocate.

Authority is also given for the appointment of a chief counsel for the Board of Pensions Commission.

Compassionate Allowance.

Provision is made for the granting of a compassionate allowance in any especially meritorious case in which the Pension Tribunal, or on appeal, the Pension Appeal Court has decided that the applicant is not otherwise eligible under the Act.

Provision is further made for the restoration to pension, with certain limitations, of any pensioner who has accepted a final payment but whose pensionable disability has persisted.

The widow of a member of the forces who had at the time of his death been, for not more than 10 years, in receipt of a pension for a disability of, or exceeding 80%, or would have been in receipt of such pension, if he had not been in receipt of pay and allowances while under treatment, shall, regardless of the cause of her husband's death, be entitled to a pension as if his death had arisen from causes attributable to war service.

Procedure.

Applications for pension are to be made, in the first instance to the Commission, who after due inquiry will grant the application, or if rejecting it, will refer it to the chief pensions advocate and the chief commission counsel. Any application heretofore disposed of by the Federal Appeal Board may be renewed.

The Commission is to advise the Department of all its awards, and the latter shall act thereon, upon receipt of the same.

When a case is referred to the chief pensions advocate, he is to prepare for its presentation, on behalf of the claimant, to the Pension Tribunal. The chief commission counsel is to arrange for such information to be laid before the Tribunal as will facilitate the decision of whether the award shall be allowed or not.

Appeals from the decision of the Pension Tribunal may be made to the Pension Appeal Court, whose sittings shall be public, except in cases where the Pension Tribunal hearing has been private, and the Appeal Court deems it desirable to follow the same procedure. The decision of the Pension Appeal Court shall be final. A most important principle has been introduced in this legislation in section 73, where it is definitely stated that notwithstanding anything in the Act, on any application for pension "the applicant shall be entitled to the benefit of the doubt." It is further stated that this "shall mean . . ." that "the body adjudicating on the claim shall be entitled to draw and shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences in favour of the applicant."

Provision is further made for the cancellation or suspension, etc., of any pension upon representations from the Department that circumstances so justify.

The Returned Soldiers' Insurance Act

(Amendment 1930) (20-21 Geo. V., Ch. 38).

The time for receiving applications from returned men for insurance under this Act is extended to August 31, 1933.

The Soldier Settlement Act

(Amendment 1930) (20-21 Geo. V., Ch. 42).

These amendments provide for more comprehensive consideration of the cases of soldier settlers along three lines:

- (1) No order of the Board for rescission of any agreement with any settler in default is to take place where the settler notifies the Board in writing that he is opposing such action, or where the Board has reason to believe a dispute may arise, unless an order of a County or District Court Judge is issued declaring such rescission warranted.

- (2) In the case of any settler qualified and established upon the land in accordance with this legislation, and who has not abandoned his land, and whose agreement with the Board is still in force, the Board shall credit such settler as on the standard date in 1929, with an amount equal to 30% of his indebtedness to the Board on that date. Certain limitations are imposed in respect to revaluation claims and to the relation of this rebate to the settler's whole indebtedness to the Board.
- (3) After July 15th, 1930, in the case of any live stock held by a soldier settler, under purchase from the Board and in respect to which the Board is retaining title, pending payment of the balance of the purchase price, or payment of other encumbrance held by the Board, the Board shall release its title in favour of the settler,—provided that the release shall not relieve the settler of his ultimate obligation to repay to the Board the amounts still due, and provided that no such release shall be made, where the settler has assigned his interest with the Board's consent, to another party, to whom the Board itself must deliver clear title upon obligations being met.

The War Veterans' Allowance Act

(1930) (20-21 Geo. V., Ch. 48).

This Act is to be administered by the Department of Pensions and National Health through a Committee to be known as the War Veterans' Allowance Committee which shall consist of three members to be appointed by the Governor in Council, who may also appoint as additional members the Deputy Minister, or his alternate, the assistant Deputy Minister, and one other person not on the staff of the Department.

Those eligible for an allowance under this Act are:

- (a) Veterans of the Canadian Expeditionary Force.
- (b) Veterans of the Forces of His Majesty or those of His Majesty's Allies who were domiciled in Canada at the time of enlistment.

Applicants must have seen Great War service in a theatre of actual war, or must be in receipt of a Great War pension or have received a final payment in lieu thereof for a disability of 5% or more, and must have attained the age of 60 years, or be permanently unemployable by reason of physical or mental disability.

All applicants must have been domiciled in Canada for the one year immediately preceding the date of the proposed commencement of the Allowance. Payment of any allowance granted is suspended if the recipient is residing out of Canada.

The following are the regulations in regard to the amount payable:

(a) Single men or widowers without families who are in receipt of income up to \$125.00 per annum may be granted a maximum allowance of \$20.00 per month.

(b) Married men, maintaining their homes, or widowers with dependent children, who are in receipt of income not exceeding \$250.00 per annum, may be granted a maximum allowance of \$40.00 per month.

(c) Any income in excess of these amounts is deductible from the allowance granted.

At the death of any recipient an amount not exceeding the sum of twelve monthly instalments of the allowance which the recipient was receiving at the time of his death may, at the discretion of the Committee, be paid to his widow or for the benefit of any child.

LEGISLATION BEARING ON FAMILY RELATIONS.

The Divorce Act (Ontario) 1930— (21-21 Geo. V. Ch. 14).

In one paragraph, this Act provides for the transfer of the dissolution and annulment of marriage in the province of Ontario, from the Parliament of Canada, to the Courts of the Province, and in a second paragraph provides that the Supreme Court of Ontario shall have jurisdiction for all the purposes of this legislation. The measure definitely provides that the law of England as to the dissolution and annulment of marriage, as that law existed on July 15th, 1870, shall be in force in Ontario in so far as it can be made applicable to the province of Ontario and has not been repealed as to the province by any Imperial or Dominion statute, and in so far as it has been in no way changed or affected by any Act of the Province.

The Divorce Jurisdiction Act, 1930 (20-1 Geo. V, Ch. 15).

This legislation enables a married woman who has been deserted and living apart from her husband for a minimum period of two years to commence proceedings for divorce, on any grounds prevailing in that province, in any province of Canada, in which a Divorce Court exists, providing that her husband was domiciled in that particular province immediately prior to his desertion.

This legislation should be of special interest to social workers, generally in that it admits in reference to the commencement of proceedings for divorce, a principle on which they have long insisted in respect to family desertion proceedings, namely the right of the deserted wife to enter suit and obtain judgment against the deserting husband in the province of her domicile, or of his domicile, prior to the desertion.

INDUSTRIAL LIFE.

The Fair Wages and Eight Hour Day Act—(20-21 Geo. V. Ch. 20).

This Act provides that in all future contracts made with the government of Canada for construction, remodelling or demolition of public works, the contractors are bound to pay fair wages, according to current schedules, and to observe the eight hour day, unless especially exempted by the Governor-in-Council or in cases of emergency especially approved by the Minister.

NARCOTIC DRUG CONTROL.

Opium and Narcotic Drug Act.

By Order-in-Council (P.C. 1151) dated May 29th, 1930, cocoa leaf, crude cocaine, and ecgonine have been added to the schedule of drugs falling within the purview and prohibitions of this Act.

Criminal Code.

The criminal code was amended (20-1 Geo. V. Ch. 11, Sec. 6) by repealing Sec. 285 Sub. Sec. 4, and substituting a new section, the effect of which is to make it an offence to drive any motor vehicle or automobile, while under the influence of any narcotic. Formerly this section applied only to driving while intoxicated. The offender is liable, upon indictment, for a first offence, to imprisonment for a term not exceeding three months and not less than thirty days, and for each subsequent offence to any term not exceeding one year, and not less than three months. Upon summary conviction, the offender is liable, for first offence to a term of seven to thirty days, and for each subsequent offence to a term of three months to one year.

UNEMPLOYMENT, AND UNEMPLOYMENT RELIEF.

(Special Session, Dominion Parliament, Sept. 1930).

Aid for the Relief of Unemployment Act.

This legislation provides for an appropriation by the Dominion Parliament of \$20,000,000.00 to be applied (in the words of the Prime Minister in submitting the measure):—

- (a) in useful works and undertakings authorized by the Dominion government.
- (b) in assisting useful works and undertakings of municipalities and provinces, and
- (c) to assist such municipalities and provinces in granting relief where relief may be necessary or where employment may not be possible.

The Prime Minister further stated that in introducing the measure that the interpretation to be placed on (b) would be that inasmuch as assistance could be given only where municipalities and provinces had themselves been committed to undertakings it followed that any assistance given by the Dominion would be given only to works that were thought "by those who were putting their money into the ventures to be essential and necessary for the relief of unemployment". The Dominion government itself was not engaging directly in this work, for the "simple and obvious reason" that under the constitution, "the responsibility resting where it does" the Dominion was "giving the assistance to enable those charged with that responsibility more adequately to discharge their duties".

None of the expenditure authorized by the Act is to be appropriated beyond the expiration of the current fiscal year (March 31, 1931).

The regulations re the administration of the Act provide for disbursements on agreed undertakings according to special agreements concluded with each of the provinces. Actual relief disbursements are to be carried as to one third by the municipality concerned, one third by the province, and one third by the federal government. Where because of the lack of adequate municipal organization, or similar cause, the local authority cannot carry this proportion of the cost, a special apportionment of the responsibility may be agreed upon between the provincial and federal authorities.

ALBERTA.

ALLOWANCES, DEPENDENCY, PENSIONS, ETC.,

Mothers' Allowance Act, Amendment 1930. (20 Geo. V. 1930, Ch. 9).

An amendment to the Mothers' Allowance Act (R.S.A. 1922, C. 215, S. 4) provides that the applicant for an allowance must hereafter apply through the municipality "in which her husband has his home at the time of his death or committal (to a mental hospital)." This repeals the provision whereby formerly the woman's application came from the municipality, "wherein she was residing at the time of her application."

Another amendment somewhat widens the consideration of applications. In the section (Ch. 215, S. 5) wherein the provincial superintendent was empowered to make a recommendation on behalf of any woman whether or not "an application has been made by or on behalf of such a woman to an inspector, the words are added after "has been", "or could have been."

Corresponding changes as necessitated are made in other sections.

The residence clause is simplified by substituting a new section which states that in case of any dispute arising as to where the husband had his residence at the time of his death or committal, the district court judge of any judicial district in which "any, or any part of any, disputing municipality is situated, shall decide the same and there shall be no appeal from any such decision."

A further amendment fixes March 31, 1930, as a standard date from which "every municipality liable to the Province in respect of a mother's allowance" shall continue to be liable notwithstanding any provisions of the Act, as long as the beneficiary "continues to have the qualifications which entitled her to make application for such allowance."

EDUCATION.

Education of Soldiers' Children Act. (20 Geo. V. 1930, Ch. 44).

This legislation provides for the expenditure from the general revenue of the Province in the fiscal year 1931 of a sum not exceeding \$10,000.00 as an advance for the purposes of this Act. The expenditure of this sum and of all moneys received for such purposes is to be entrusted to a board of three persons serving without remuneration, who shall supervise its distribution for the purpose of providing higher educational facilities for the children of soldiers who enlisted for service in the Great War and were resident in the Province at the time of their enlistment.

PUBLIC HEALTH.

The Municipal Hospital Act Amendment (20 Geo. V., Ch. 38).

The most important of the amendments in this Act is a provision whereby if the Minister is satisfied as to any difference of opinion in respect to the proposed area of a municipal hospital district he may direct a vote to be taken on the question. The power to determine the area, however, still remains with the Minister "after having taken into consideration the results of any vote or votes."

Another clause disqualifies any doctor practising within that district from being a member of the district hospital board.

The Municipal Hospitals Act (Ch. 33, 1929) provided for the fixing of a "hospital supporter's per diem fee" "chargeable to ratepayers, situated in the hospital district, their dependants, and helpers, etc. An amendment this year now provides for "a variable contract per diem fee chargeable to any other class or classes of persons described in the scheme whether resident in the district or not, upon the payment of such yearly sum as may be prescribed by the scheme with respect to the class, or each such class as the case may be."

Hospitals Act Amendment, 1930. (20 Geo. V., 1930, Ch. 33).

Provision is made by this legislation for the appointment by the Lieut.-Governor-in-Council of a committee of inquiry to whom any question respecting the conduct or management of a hospital may be referred for report to the Minister. The Committee shall have all the powers conferred on a Commissioner under the Public Inquiries Act.

The Medical Profession Act Amendment, 1930. (20 Geo. V., 1930, Ch. 34).

This legislation authorizes the Medical Council to fine any person guilty of a contravention of this Act \$50.00 for each day during which the contravention continues, and to strike his name off the medical register. The discipline committee is also authorized to publish the final decision in any case, when, it seems in the public interest to do so.

Venereal Diseases Prevention Act, Amendment. (20 Geo. V., Ch. 31).

This amendment provides that in every prosecution for a breach of those provisions of the Act prohibiting attendance and prescription for sufferers from venereal disease by an unqualified person, the onus of proof that he is a duly qualified medical practitioner shall rest upon the accused.

INDUSTRIAL LIFE.

Minimum Wage Act, Amendment, 1930. (20 Geo. V., 1930, Ch. 26).

The Minimum Wage Act when originally enacted in 1925 gave power to the Board to fix wages so as to apply universally to a trade or occupation, or so as to apply to any class of employment or to any special area, and the Board was further empowered to fix different wages for any place or places specifically mentioned in a schedule attached to the Act. This 1930 amendment wipes out this last mentioned clause, and substitutes the words "in the Province," thus leaving the Board free to fix wages anywhere in Alberta.

Dependent on this amendment is the further amendment whereby any order fixing a minimum wage will now apply to the whole province, unless its operation is specifically restricted only to certain parts thereof, by its own terms.

UNEMPLOYMENT.

Unemployment Relief Act, 1930. (20 Geo. V., 1930, Ch. 45).

Having regard to the possible exigencies of this winter, the legislature authorized the disbursement from the General Revenue Fund

without further or other appropriation, of a sum not exceeding one hundred thousand dollars for the purpose of supplying relief to the unemployed in the Province.

GENERAL.

The Sex Disqualification (Removal) Act, 1930. (20 Geo. V., Ch. 67).

Lest in Alberta the word "person" should raise any doubt in relation to the right of a person of either sex to hold any office whatever, the Alberta Legislature, (undoubtedly mindful of Canada's famous Privy Council appeal in respect to the appointment of women to the Senate) has enacted that:

"A person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation, or for admission to any incorporated Society."

The Act is made retroactive from the date of the creation of the Province, September 1, 1905.

BRITISH COLUMBIA.

EDUCATION.

Education of Soldiers' Dependent Children Act 1930 (20 Geo. V., 1930, Ch. 15).

While similar in principle to Alberta's enactment of this year, the B.C. measure stipulates administrative procedure in greater detail. No maximum is set upon total expenditure under the Act, but the amount of assistance to be granted to any beneficiary is limited to \$250.00 in any academic year, and is not to be granted for a longer period than four years from the initial grant, nor beyond entrance to the university or for a second class teacher's certificate. There are also certain limitations in respect to children in receipt of federal pensions. Regular attendance at classes up to 80% each month is a continuing condition of the award.

The administration is entrusted to a commission consisting of the Deputy Minister of Education and two persons appointed annually by the Lieut.-Governor-in-Council, on the nomination of the Provincial Command of the Canadian Legion and the Executive of the B.C. Army and Navy Veterans.

The applicants must be under 16 years of age, have attained educational standing equivalent to Grade IX., and be the child, stepchild, adopted or foster child, or illegitimate child, of a soldier, resident in the province at the time of his enlistment, and who was engaged in active service during the great war, either at home or abroad.

PUBLIC HEALTH.

The Hospital Act—Amendment 1930—(20 Geo. V., 1930, Ch. 25).

The amendment increases the schedule of grants in aid from the provincial treasury to approved hospitals as follows:

(NOTE.—“Days' treatment” means for each day, the total number of patients treated in a hospital for bodily diseases on that day, such treatment being required for their medical or surgical care, and except as specially provided shall not include the care of any person kept in hospital on account of old age, indigent circumstances or any other reason than bodily disease.)

- (1) Hospitals where the total number of days' treatment in a year exceed 365 but are less than 500 days, grant increased from \$500.00 to \$625.00.
- (2) Where the total number of days' treatment exceeds 500 days, from \$1.00 per day for each patient for the first 1000 days' treatment to \$1.25.
- (3) Where the total number of days' treatment exceeds 1000 days, from 70c. per day for each patient for the first 1500 days' treatment of said excess to 95 cents per day, in addition to aid under (2) above for the first 1000 days.
- (4) Where the total number of days' treatment exceeds 2500 days, from 55 cents per day for each patient for the first 2500 days of such excess to 80 cents per day, in addition to aid under (2) and (3) above.

- (5) Where the total number of days' treatment exceeds 5000 days, from 50 cents per day for each patient for the first 5000 days of such excess to 75 cents per day, in addition to aid under (2), (3) and (4) above.
- (6) Where the total number of days' treatment exceeds 10,000 days,—from 40 cents per day for each patient for the excess to 70 cents per day, in addition to aid under (2), (3), (4) and (5) above.
- (7) Where the treatment is for a patient affected with tuberculosis of the respiratory tract, the schedule of aid is increased from \$1.00 to \$1.25 per day.

LEGISLATION RE FAMILY RELATIONS.

The Marriage Act

(20 Geo. V., 1930, C. 41).

(Replaces the Marriage Act, R. S. 1924, C. 152, S. 1).

This legislation is in effect a revision of Chapter 152 of the Revised Statutes, but does not depart materially in principle therefrom. The definitive clauses are expanded and clarified.

One important new feature is the provision for the appointment of "Marriage Commissioners" in lieu of "Registrars" as formerly, to perform civil marriages when desired. The provincial registrar of births, marriages, and deaths becomes sole registrar under the Act.

The Act deals in its first section with provisions for the solemnization of marriage by a minister or clergyman, and requires their registration as authorized to solemnize marriage, in a special marriage register to be maintained by the Registrar, but the application for the registration of such minister or clergyman must be made by the governing authority of his own religious body, having jurisdiction in British Columbia.

The Registrar must not effect registration unless he is satisfied that the minister or clergyman, who is to be registered:

- (a) is duly ordained or appointed, etc., by the rites of the religious body to which he belongs.
- (b) is definitely officiating within the province in connection with a local unit of the religious body to which he belongs, or being resident in the Province, and having been so connected, is superannuated, or on the supernumerary list, or a retired minister or clergyman in good standing, of that religious body.
- (c) is duly recognized by his own body as authorized to solemnize marriage, and that he is equally satisfied that the religious body to which the minister or clergyman belongs is itself sufficiently well established both as to continuity, recognition, etc., to justify registration.

Provision is made for the temporary registration for a fixed period of a clergyman temporarily resident in the Province, who would be otherwise qualified were he resident within the Province.

The Registrar may cancel registration for cause.

If the Registrar refuses or cancels any application, for registration, an appeal may lie to a Judge of the Supreme Court. On appeal the Judge may exercise all the powers of the Registrar, and his order shall be binding on the latter.

The Registrar is to publish annually a list of all registered ministers or clergymen, with supplementary lists from time to time. These lists are to be provided to all district registrars and to all issuers of marriage licenses.

Special clauses cover the marriages of Quakers and those professing the Jewish religion. Otherwise even a registered minister or clergyman shall solemnize marriage only in pursuance of a duly issued license, or certificate, or after the publication of banns, as provided in the Act, and before at least two creditable witnesses.

No license may be issued before the expiration of a period of 8 days after the filing of the application and shall be limited in duration for a period of three months therefrom. The application must be made by statutory declaration by one of the contracting parties, before the Registrar, or before a person qualified to receive statutory declarations. If the Registrar is not satisfied as to the correctness of the declaration, he may require the production of further evidence, or of witnesses, and make an examination under oath.

A special permit may be issued for immediate marriage in special cases.

When the marriage is desired by civil contract, notice must be given to a Marriage Commissioner duly appointed under the Act, at least 8 days before the proposed marriage, and in the district within which at least one of the parties has resided for eight days immediately prior to the notice. The same statutory declarations are required as in the procedure for the solemnization of marriage, and the Commissioner is under similar obligation to the issuer of licenses to satisfy himself, prior to compliance with the request.

The contract of civil marriage may be made in the office of the Commissioner but between the hours of 10 a.m. and 4 p.m., and according to a form of contract, defined in the Act. A religious ceremony may follow on a marriage by civil contract, with the Commissioner's certificate as authority therefor.

A caveat may be lodged with any issuer of marriage licenses on payment of a fixed fee, and the Commissioner must then satisfy himself as to the facts alleged before proceeding. Appeal may be had to the Registrar whose decision shall be final.

Minors.

No marriage shall be solemnized of any person under 21 years of age, unless consent thereto is given in writing:

- (a) By both parents, if living, or by the surviving parent, if one be dead.
- (b) by a lawfully appointed guardian, if both parents be dead.
- (c) by the official guardian, if both parents be dead and there be no legal guardian.

An application may issue to a Judge of the Supreme Court, or of any County Court, for a declaration under this section, in case of the inability or unreasonable refusal of one of the above parties to consent.

No marriage of any person under 16 years of age shall be solemnized, except on order of a Judge of the Supreme Court, or of any County Court, after application to him for an order that such marriage is shown to be expedient and in the interests of the parties.

Registrars and Commissioners.

Any district registrar of vital statistics, or any other suitable person may be appointed issuer of marriage licenses by the Lieut.-Governor-in-Council. Similarly, the Lieut.-Governor-in-Council may name Marriage Commissioners for any district, and they shall then become ex-officio issuers of licenses, and be empowered to receive statutory declarations.

In all matters not provided for, the Law of England, as in effect on November 19th, 1858, is to prevail.

Every issuer of marriage licences, who issues a licence, and every minister or clergyman, or marriage commissioner, who solemnizes a marriage knowing or having reason to believe that either of the parties is an idiot or insane, or under the influence of intoxicating liquor, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$500.00.

Provisions are made for the validation of solemnization of marriage by subsequent declaration of the Registrar, where a marriage has been performed by a clergyman not on the marriage registrar but acting in good faith and ignorant of the requirements of this Act.

MANITOBA.

ALLOWANCES, DEPENDENCY, PENSIONS.

Old Age Pensions Act Amendment (20-1, Geo. V., Ch. 31).

The amendments provide:

- (a) That the "local authority" referred to in the Act shall mean the council of a municipality, or in the city of Winnipeg, the Social Welfare Commission, or in unorganized territory, the appointee of the Lieut-Governor-in-Council.
- (b) That all applications under the Act must be made, in the first instance, to the local authority, in the municipality of the applicant's residence; the local authority is to forward the applications with its recommendations thereon to the provincial Board, whose decision is to be final, but who may itself amend, or rescind any of its own previous decisions.
- (c) Reduction of the levy upon the respective municipalities of the Province and the school districts in unorganized territory to one half the amount to be required for the purposes of the Act.
- (d) Exemption from taxes and debt attachment for every pension granted under the Act.
- (e) Protection of pensioners against disqualification from voting in a provincial or municipal election.
- (f) Authority for the Board to recover any pension improperly paid.
- (g) Authority for the Board to recover the amount of any pension paid with interest at 5%, from the estate of any pensioner. This clause is not to apply where the beneficiary under the estate is another pensioner, or a person who for the last three years, during which the pension was paid, regularly contributed towards the pensioner's support, amounts considered by the Board as reasonable.
- (h) Authority to the Board to have a lien, until discharged, against all the property of a pensioner in Manitoba, for any debt due the Board, and authorizing the Chairman of the Board, to register such lien.
- (i) Authority to the Board to attach money owing to a pensioner, and constituting the receipt of the Board a valid discharge of the debt.

CHILD WELFARE.

The Child Welfare Act, Amendment.

(20-1 Geo. V., Ch. 2).

Infants' and Maternity Homes. (C.A.M. 1924, Ch. 30, S. 2 (h) and 2 (k)).

The existing legislation is amended to permit more effective control of private maternity homes. The existing legislation defined as an "infants' home" any building, or part of a building, where children are received or retained, for hire or otherwise, apart from their parents.

The amendment substitutes for the words "part of a building", the words "other than a maternity home." The definition of a "maternity home" is then amended to read:

"Maternity home" means a building or part of a building wherein a woman or girl may be received for care or treatment during pregnancy, or where a woman or girl together with her child or children may be cared for during a period of six months after the birth of such child or children provided that the child is nursed by the mother during that period."

Thus the interlocking of these two amended sections operates to make an infants' home and a maternity home two separate organizations and prevents the care or maintenance of any child apart from, or not being nursed by its mother, in any maternity home.

Probation Homes. (Cons. Am. 1924, Ch. 30 (2) (o) repealed).

A difficulty had arisen from the operation of a clause in the Act which allowed **any home** in which a child might be placed, by judgment of the Child Welfare Board, for special treatment because of delinquency or physical or mental deficiency to be classified as a "probation home." Conflict had occurred in the past because of the classification of such homes and the removal of children thereto, when they were not classified as boarding homes under the inspection of the Public Health authorities. This clause has now been repealed.

Detention Homes. (Cons. Am. 1924, Ch. 30 S. 5 (1) j).

The Child Welfare Act provided for the visiting and inspecting of all **probation and detention homes**, by the Director of Child Welfare, while Part II of the same Act definitely stated that all **detention homes** were to be under the **control and direction** of the Attorney General. The anomaly is now removed by striking out the provision for the inspection of **detention homes** by the Child Welfare Division and leaving them entirely under the Attorney General. The words "probation homes" are dropped, as the amendment eliminates this special provision. **Powers of Director.** (Cons. Am. 1924, Ch. 30, S. 5 (1) K).

The Child Welfare Act formerly empowered the Director to make application for a judge's order "respecting every child, who in his judgment should be committed to the care and custody of the director or a society except in cases where such application has been made by a Society."

Objection had been lodged against the very wide powers claimed for the Director under this section, it having been argued that the broad term "in his judgment" had led to application being made for the commitment of children who would not otherwise fall within the classification of "neglected child" in Part IV of the Act. The section has therefore been amended by striking out the words "in his judgment", and changing "should" to "may", the effect being that the Director has power only to apply for an order, in respect to a child who might be committed under Part IV of the Act, and on behalf of whom no Society has made any such application.

Bereaved and Dependent Children—Mothers' Allowances.

(Part III, S. 19, C. (2).

The Act had been previously amended to provide that children actually born in Canada, within the ages and classes otherwise eligible for allowance, should be entitled to the same, notwithstanding the citizenship disqualifications of their parents. The amending clauses were ambiguous however, and this 1930 amendment is inserted to clarify them. Section 23 of this part of the Act is further amended to provide that the duty of the Director in respect to all applications for mothers' allowances is not only to report thereon to the Child Welfare Board, but also to recommend on the same.

Another purely technical amendment provides for the registration without fee of a discharge of any lien against the lands of a beneficiary under the Act. (Cons. Am. 1924, Ch. 30, S. 27 (2).

Neglected Children.

Another amendment provides for the changing of the words "industrial school" to "industrial home" in the section of the Act prohibiting the committal thereto of a child under 12 years of age (S. 31 (4).)

A technical amendment (S. 31 (5)) has been made in the section governing applications for the renewal of a temporary order or the alteration of a temporary order to a permanent order. The section, as it stood, provided that such application must be made by "such society" that is by the society to whom the child had been originally committed on a temporary order. The amendment changes "such" to "a," and consequently will have the effect of authorizing any society, after having observed due formalities of notice etc., to apply for a renewal or further order, or for a permanent order, in respect to a child in its care, whether the original temporary order committed the child to that particular society, or to the director.

Another amendment reduces the length of time which must elapse between the hearing of any juvenile case and any adult case, in the ordinary police court from one hour to one half hour (Cons. Am. 201, Geo. V., C. 2 S. 11). This brings the provincial legislation into agreement with the revised Juvenile Delinquents' Act, Canada, 1929.

Mentally Defective Children. (Cons. Am. 1924, Ch. 30, S. 87 (2) Am.).

Another amendment includes employees of the Division of Child Welfare under Part IV and V of the Act, among those officials who must register with the Director, any case of a mentally defective child, encountered in their work.

Residence Clauses. (Cons. Am. 1924, Ch. 30, S. 184 (4) Am. Ch. 3, (16) 1927).

The residence clauses in the Act are further amended by adding "stay in any barracks" to the list of places, wherein "stay" shall not qualify a mother or child for acquiring residence in any municipality.

EDUCATION.

Education Department Act. (R.S.M. 1913, Ch. 58 Am., 20-1 Geo. V., Ch. 8).

By this amendment the Minister of Education is authorized to purchase school books, books for school libraries, and school supplies, and to sell them to school districts, teachers, or "other persons." The Provincial Treasurer may provide any advance up to \$150,000.00 to allow the Minister to effect such purchases. Proceeds from the sale of same are to be applied to this credit. Books or supplies are to be sold for cash only, and their cost may be applied to the reduction of school grants payable to districts receiving these in lieu of cash. All overhead and handling costs may be computed in the costs assessed against the sale of books. Any profit or loss is to be carried by the Consolidated Revenue Fund of the province.

Public School Act. (New) (20-1, Geo. V., Ch. 34).

Though this legislation is directly concerned with public school education and so could not be considered as properly falling within a review of the social welfare legislation of the year, it is of importance to note that the Public Schools Act of Manitoba (R.S.M. 1913, C. 165) has been repealed and is entirely replaced by this new and comprehensive enactment.

INDUSTRIAL LIFE.

Workmen's Compensation Board, Amendment. (20-1 Geo. V., Ch. 49).

Various minor amendments have been made to the existing Act, chief of which are:—

- (1) Those exempting from the term "workman" in the Act, the executive officer of any corporation, unless such executive is designated by name in the last payroll report submitted to the Board and a request made by the employer that such executive be included as an employee.
- (2) Those providing that a workman employed by an industry within the Province, shall be protected in case of injury arising when he is engaged outside the province on work casual or incidental to his employment in Manitoba, but also providing that where such a man regularly spends some portion of his working time outside the Province, the Manitoba Board may make such arrangements in respect to compensation protection in that other Province as will adequately protect the workman.
- (3) Those providing that in the case of any workman whose claim is approved by the Board, any claim for damages which he may have had against other than his employer shall be vested in the Board, and the Board may take any action for recovery of the same.
- (4) Those providing for suspension of compensation payment in respect to any claimant, during the time he or she is confined in a gaol or mental hospital, and payment of compensation during that time, as the Board deems advisable.

- (5) Those providing for discontinuance or suspension of any compensation and its diversion to other dependants of the deceased workman, if that compensation is being paid to a widow found to be a common prostitute, or living as a wife with a man to whom she is not married.
- (6) Those providing for the diversion in whole or in part of the compensation being paid to any workman, and its transference to the support of his wife and family, or for alimony, if it be apparent that:
 - (a) the workman is no longer resident in Manitoba but that his wife or children under 16, are, and are without adequate means or support: or
 - (b) the workman although still resident within the province is not supporting his wife and children under 16, and that a maintenance order for such support has been issued against him.
- (7) Those providing for the granting of compensation to cover the cost of broken dentures.
- (8) Those exempting the Board from payment of larger fees or charges for medical or dental aid than would "properly and reasonably" be charged to the workman "if himself paying the bill."
- (9) Those making it obligatory upon the employer to provide proper transportation to a hospital, and necessary care en route for any workman upon a journey from the scene of the industrial accident to hospital or doctor.
- (10) Those providing for a maximum compensation of 66 $\frac{2}{3}$ % of the workman's average monthly earnings, except in cases where there is a widow or invalid widower, and one child when the weekly payments shall be not less than \$12.50, or where there is a widow or invalid widower, and two or more children when the weekly payments shall be not less than \$15.00.
- (11) Those providing for the maintenance of complete record, by employers of the wages earned by employees, the name of each workman, the dates and time worked, and the wages earned.
- (12) Those adding to the compensable schedule, the following:—conjunctivitis and retinitis; occupational dermatitis and occupational ulcerations and infections caused by occupational factors in a long list of specified classes of workers.

PUBLIC HEALTH.

The Public Health Act, Amendment. (20-21 Geo. V., Ch. 33).

This amendment inter-operates with the amended Child Welfare Act to provide more effective control of maternity homes. The definition of 'maternity home' in the Act is changed to read:—

"Maternity home" means a building or part of a building where-in a woman or girl may be received for care or treatment during pregnancy or for accouchement, or where a woman or girl together with her child or children may be cared for during a period of six

months after the birth of such child or children, provided that any such child is nursed by its mother during such period."

Two new sections are added that give to the Department of Health and Public Welfare what is possibly the most comprehensive control exercised by any provincial authority in Canada, viz.:

(jj) the registration, management, conduct and the granting of permits without fee for the operation of children's boarding homes, day nurseries and other forms of child-caring institutions which are already, or that may hereafter be established in the Province, wherein children are received for remuneration and kept with the view to the improvement of their living conditions, such orders, rules and regulations may provide that upon failure to comply therewith the Minister may cancel the permit and upon cancellation thereof such institution shall not be permitted to operate until such orders, rules or regulations are complied with;

(kk) the registration, management, conduct and the granting of permits without fee for the operation of maternity homes, such orders rules and regulations may provide that upon failure to comply therewith the Minister may cancel the permit and upon cancellation thereof such maternity home shall not be permitted to operate until such orders, rules or regulations are complied with;

(ll) the registration, management, conduct and the granting of permits without fee for the operation of private homes or institutions which do not come within the provisions of "The Private Hospitals Act" and which undertake the care and treatment of patients, such orders, rules and regulations may provide that upon failure to comply therewith the Minister may cancel the permit and upon cancellation thereof such homes or institutions shall not be permitted to operate until such orders, rules or regulations are complied with.

PUBLIC HEALTH.

The Cancer Relief Act. (20-21 Geo. V., C. 1).

Under this legislation "The Cancer Relief and Research Institute" is created a corporate body, governed by a Board of Trustees. This Board is to consist of the Minister of Health and Public Welfare, and 22 members to be appointed as follows:

(1) three each on nomination of the

- (a) University of Manitoba.
- (b) The Winnipeg General Hospital.
- (c) The St. Boniface Hospital.
- (d) The Manitoba Medical Association.
- (e) The Winnipeg Medical Society.
- (f) The Manitoba Hospital Association from their members outside Winnipeg and St. Boniface.
- (g) The Lieut. Governor-in-Council.

These members are to be appointed, one for one year, one for two years, and one for three years, in each group.

(2) One member on nomination of the Union of Manitoba Municipalities, to be appointed annually.

The Institute is authorized to take such steps as its Board may deem advisable for the relief of cancer in Manitoba. One of its objects is specifically described as to endeavour to secure an adequate supply of radium for use in the Province, and to erect and operate a radium emanation plant in the Department of Physics of the University of Manitoba, and such other plants and apparatus as they consider advisable. The Institute is further to encourage the development of cancer clinics throughout the Province, to provide for widespread public instruction on the subject, and to correlate and co-ordinate the work of all similar agencies in the Province.

The Board may issue regulations governing the use of radium, the property of the Board, but is not to exercise control over radium, not its own property. Generally, its regulations are to be designed to provide that only reasonable charges shall be made for the use of radium, and that no one shall be deprived of its benefit, through inability to pay. The regulations are also to provide for the use of radium only by physicians, or institutions thoroughly schooled in its value and dangers. Provision is also made for making radium emanations available for residents of available provinces if a sufficient supply be on hand.

The Board is authorized to issue bonds up to a total of \$100,000.00 guaranteed by the Province; and also to receive gifts, and requests, and grants from the several municipalities in the Province.

PUBLIC HEALTH.

Hospital Aid Act, Amendment (20-1, Geo. V., Ch. 21).

The definition of "hospital" is amended to mean and include any public hospital incorporated by a special Act, or letters patent, and a public hospital operated by any church organization, having the power to erect and maintain hospitals receiving aid under this legislation, and, having a building declared suitable by the hospital inspector, for 50 beds in cities over 10,000 in population, and 15 beds in smaller communities.

Residence Clauses.

'Resident' as applied to municipality means:

- (a) Every person of full age who shall be a resident and inhabitant of a municipality for at least one year; and
- (b) The members of his family who shall not have gained a separate residence shall be deemed resident in such municipality until he shall have gained a like residence in some other municipality in Manitoba or shall have removed from the Province and remained therefrom for one year.

In this section, this period of one year is to mean the last year in which such person was selfsupporting, provided that where a person has not obtained residence in a municipality as herein defined, the municipality in which that person has resided for a period of 30 days, during the year prior to admission to hospital shall be deemed to be the residence of said person, and where said person has, during the year, prior to admission to a hospital, resided in more than one munici-

pality for a period longer than 30 days, the municipality in which such person has resided for the longer period shall be deemed to be the residence of such person.

- (c) A woman of full age, by marrying, shall acquire the residence of her husband.
 - (i) Until a person shall have gained a residence in his own right, his residence shall be deemed that of the father, if living, if not, then of the mother.
 - (ii) If both parents be dead, the residence of the last surviving parent shall continue to be the residence of the child during minority.
- (d) (i) No child born in a hospital or other public or private charitable institution shall gain a residence merely by reason of the place of such birth.
 - (ii) Nor shall a child born while the mother is an indigent person gain a residence by reason of the place of its birth.
 - (iii) No residence of a person as:—
An official member, patient, scholar, or otherwise howsoever, in,—any public school, college, hospital, barracks, home supported in whole or in part by public subscription, seminary, monastery, convent or other like institution in the municipality, if such person has not prior to his entering such institution obtained a residence as hereinbefore defined in such municipality, and

No residence of a person in a municipality while such person or a member of his family is supported or relieved at the expense of a municipality under the provisions of this Act or any other Act shall operate or give such indigent person a residence in the municipality where such actual residence may be. For the purposes of this section "members of his family" shall mean, husband, wife, and minor children.

- (e) A minor may be "emancipated" from his father or mother and gain a separate residence:
 - (i) If a male, by being married and residing one year separately from the family of his father or mother.
 - (ii) If a female, by being married and having lived with her husband, in which case the husband's residence shall be deemed that of his wife.
 - (iii) By being hired and actually serving one year for wages to be paid such minor. This provision shall not apply in the case of a minor serving an apprenticeship or securing an education in a regularly organized training school, or other educational institution, or where in part such minor is dependent upon his father or mother for support.

Notwithstanding any of these clauses, in all cases, where a municipality other than the city of Winnipeg, is vested with the power to, and does engage a qualified physician to render medical care to bona fide residents of the municipality, free of charge, the liability of the municipality is to be limited to patients admitted to the public wards of the hospital on authority of this physician. Where, however, the admission is an urgent one, the certificate of the hospital's medical superintendent

and of the attending physician shall be held sufficient to establish the liability of the municipality, and in case of dispute between it, and the hospital authorities, the case is to be referred for ruling to the Minister of Health and Public Welfare, whose decision shall be final.

Extent of Liability.

By another amendment the length of stay of any patient in a hospital, chargeable to a municipality or the Municipal Commissioner, is reduced from a period of three months in any one year to forty-five days, provided however that the patient, upon request of the hospital authorities, or the municipality concerned, shall be examined by specified medical officers, and that the latter shall report thereon, and on the basis thereof, that the patient shall be discharged, or retained for one more month, and "so on from month to month, until such patient dies or is finally discharged."

If a patient be declared incurable or unsuitable for hospital treatment, the municipality liable must remove him, within three weeks, or be charged for him at the rate of \$2.00 per day as long as he remains.

The maximum rate of \$1.75 per day may be increased by the 1930 amendments to a sum of \$7.00 per day in the case of small pox patients.

LEGISLATION RE FAMILY LIFE.

The Marriage Act Amendment (20-1, Geo. V., Ch. 26).

These amendments provide:

- (1) That the Lieut. Governor-in-Council may authorize any clergyman or minister to solemnize a marriage for which he has himself issued the license, where in unorganized areas of the Province, unwarranted delay would otherwise result.
- (2) That proof of the consent of the father, mother, or guardian to the marriage of a minor must be verified by statutory declaration or affidavit.
- (3) That authenticated proof of the age of the contracting parties must also be produced.

GENERAL.

Women's Institutes Act (20-21, Geo. V., C. 48).

This Act repeals and replaces the Act of the same name, which formed Chapter 84 of the Consolidated Amendments of Manitoba. The new Act sets forth explicitly the objects, methods of organization, subscription fees, conditions of membership, officers, meetings, etc., of Women's Institutes within the Province. It further provides for direct supervision over all the Institutes through the provincial director, in the Department of Agriculture, and for a Board advisory to the director, whose members shall consist of the Director of Home Economics of the Manitoba Agricultural College, four women elected annually by the convention of the Women's Institutes, and two women appointed directly by the Minister.

NEW BRUNSWICK.

ALLOWANCES, DEPENDENCY, PENSIONS, ETC.

Old Age Pensions Act (20, Geo. V., 1930, Ch. 9).

This enactment is to come into force only upon proclamation. It is really in the nature of enabling or supplementary legislation providing for the setting up in New Brunswick, of an old age pensions scheme, in co-operation with the scheme of the Dominion Government. The Act does not fix any of the details of this scheme, leaving this to the judgment of a "Board," which is to be appointed or designated by the Governor-in-Council.

The Royal Commission appointed to report on the advisability of a system of old age pensions in the province had not reported when this Act was passed.

Mothers' Allowances Act (20, Geo. V., 1930, Ch. 10).

This enactment is similarly to await proclamation for its application. It contemplates the administration of a system of mothers' allowances, under a "director" and an advisory commission, of three members, two of whom shall be women. The Director however is to be sole judge, and his decision is to be final and conclusive in respect to the payment of any allowance. The Minister is authorized to appoint all necessary staff for the social and clerical work attendant on the administration of the Act. The Act follows closely the Nova Scotia enactment of this year, providing for the payment of a maximum allowance of \$60.00 per month, and including as beneficiaries only:

- (a) A widow with two or more children under 16 years of age.
- (b) A widow with one child under 16 years, if she has actually living with her, and under her care, another child over 16, who because of physical or mental incapacity is unable to maintain himself.
- (c) A widow with one child under 16 years, if the mother because of permanent physical disability is incapable of maintaining herself and her child.

The usual restrictions apply in respect to the good character, and dependency of the mother, and the legitimacy of the children.

The residence and nationality clauses stipulate that the mother must have been resident in the province at the time of application for the allowance, and for a period of three years immediately prior thereto, or was so resident since her lawful marriage to her deceased husband; and also, that she was resident in the province at the time of her husband's death, and that her husband was actually resident in the province at that time and for three years immediately preceding. The mother must be a British subject, and not in receipt of any payments under any other Dominion or provincial statute. The mother and children must reside in the province during the payment of allowance. The Act does not apply to Indian mothers.

The amount required for the payment of the system of allowances is to be disbursed entirely from the Provincial Treasury. No provision is made for any levy upon the local municipalities, or for any contribution

from them, either in the payment of allowances or the cost of administration, central or local.

The Royal Commission appointed to report on the advisability of Mothers' Allowances in New Brunswick had not reported when this Act was passed.

Amendment—Municipal Homes Act, R.S., N.B., 1927, Ch. 205 (20, Geo. V., 1930, Ch. 43).

By this amendment, the power vested in the Lieut.-Governor-in-Council of appointing any of the commissioners of an almshouse, workhouse or municipal home is transferred and vested solely in the County Council of the County in which the said institution is situated.

The Board of Commissioners of the Saint John Municipal Home is to consist of:

- (i) Four members appointed by the County Council of the Municipality of the City and County of Saint John (one member for each parish of the county).
- (ii) Two women appointed by the same council.
- (iii) Five members appointed by the Lieut.-Governor-in-Council. However, in this latter case, the Common Council of the City of Saint John is, as soon as convenient to declare that the term of two of these members is to expire, one year after this declaration, the term of another, two years thereafter, and the term of the other two, three years thereafter, and their successors are thereafter to be appointed by the Common Council.

All members are to be eligible for reappointment. Thus, potentially, the "poor commissioners" become more directly responsible to the general public, since in future their appointment rests not with the apparently remote power of the provincial government but directly with the local municipal bodies. This should make it more possible to assume that these bodies will be in future in sympathy with the welfare plans and methods of the local private and public bodies engaged in family welfare and relief work within the municipalities concerned.

The Children's Protection Act. (20 George V., 1930, Ch. 13).

As already reported in previous publications of the Council, the past year has seen the most substantial welfare enactment of many sessions in the old Loyalist province, in the repeal of the former Children's Protection Act, and the passage of this new legislation.

The new Children's Protection Act (which has not been proclaimed yet) is similar in principle to the legislation of the same designation in seven other provinces of the Dominion, but benefitting by the experience and decisions accumulated under them, it is more concisely drawn, is more comprehensive, and more naturally co-ordinated than some of these enactments, that suffer from unnatural accretions, tacked on here and there as need arose from year to year. The New Brunswick Act comprises the usual definitive introductory clauses and four major divisions:—

- Part I. Children in Need of Protection.
- Part II. Juvenile Offenders.
- Part III. Juvenile Courts.
- Part IV. Street Trades and Unwholesome Occupations.

This New Brunswick statute is the first instance in Canada, of the use in legislation of the comprehensive term "child in need of protection" to replace the misleading and restricted term "neglected child." It is worth comment that the Ontario Royal Commission on Public Welfare has just recommended that this change be made in the Ontario Children's Protection Act.

This new enactment makes it obligatory upon the Judge, if he commits a child to the care and custody of a Children's Aid Society to issue a maintenance order at the same time, requiring the municipality of settlement to pay a "reasonable sum, per week" for the child's maintenance. The minimum of \$5.00 per week suggested was dropped in the Legislature but was retained, as the maximum, in Section 39 providing for the payment of maintenance for committed delinquent girls.

Two unusual features characterize the New Brunswick legislation,—the provision for the appointment of two Superintendents of Child Protection,—one Roman Catholic and one Protestant; and the provision for a 'dual guardianship,' whereby any Protestant child committed to the care and custody of a children's Aid Society becomes ipso facto, also the legal ward of the Protestant Superintendent, and a Roman Catholic child similarly the ward of the Roman Catholic Superintendent. No exactly similar provision exists in any child protection legislation in Canada. This latter feature was opposed by the Canadian Council.

The minimum age for street trading is set at twelve years of age for a girl, and ten years of age for a boy; with the minimum set at 14 years for either sex during school hours, and 16 years as the minimum for the night employment of any boy, i.e. between 10 p.m. and 6 a.m. No child under 14 is to be employed in any bowling alley, billiard room, pool room, etc., and none under 16 years after 10.30 p.m.

Other features of this comprehensive Act which runs through 67 sections, do not differ in important details from the Ontario Act, which is generally conceded as being the most inclusive, as it is the oldest, Canadian enactment on child protection proper. The New Brunswick legislation has the advantage of comprising in the same statute, the closely related legislation covering juvenile offenders, child employment, etc., which in Ontario, and others of the provinces is scattered through several other statutes.

The Illegitimate Children's Act, Amendment. (20 Geo. V., N.B. 1930, Ch. 44).

Minor amendments to this Act make it clear that action can be taken thereunder, even if the child be still-born.

HEALTH.

Provincial Loans Act Amendment. (20 Geo. V., 1930, Ch. 8).

This amendment provides for a debenture issue of \$300,000 to finance the erection of a wing for the care of female patients at the Provincial Hospital in Saint John.

INDUSTRIAL LIFE.

Minimum Wage Act. (20 Geo. V., 1930, Ch. 11).

The Minimum Wage Act must also await proclamation before coming into effect. It follows the usual form of such legislation. It applies only to female workers and does not apply to farm labourers or domestic servants. Its administration is entrusted to a Board of five persons, two representing the employers, two the employees, and a fifth appointed by the Lieut. Governor-in-Council.

The Board is empowered to establish a minimum wage per week, and the maximum number of hours per week, for which such a minimum is to be paid; and in addition, the minimum rate for any overtime work. The Board may establish a rate below the minimum for handicapped, or part time, or apprentice workers. The Board may also, upon application, or of its own initiative, suspend, vary, or revise any schedules in view of changes in the industry concerned. Its schedules may also vary for different industries, or the same industry in different parts of the province. All its orders are subject to review by the Lieut. Governor-in-Council.

The Board may order a conference of employers and employees, in any industry, and receive their recommendations, upon representations that the scale of wages or method of determining them is unfair.

Upon publication in the Royal Gazette, any order shall be binding as to the minimum wages to be paid in that industry.

NOVA SCOTIA.

ALLOWANCES, DEPENDENCY, PENSIONS, ETC.

Mothers' Allowances Act. (20 Geo. V., 1930, Ch. 4).

This Act came into force in May 1930, and the first allowances thereunder were paid in October (700 being paid in that month). This legislation provides for the administration of a system of mothers' allowances, under the Director of Child Welfare, and an Advisory Commission of at least three members of whom two shall be women. The Commission is empowered to appoint its own chairman and to consider and recommend on practically all matters coming under the Act, but the Director is definitely charged with its administration and regulations thereunder, while his decision in respect to any allowance is final and conclusive.

The total cost of the system of allowances, and all administration expenses is to be met by the Provincial Treasury. The maximum allowance is not to exceed \$60.00 per month, and no allowance is to be paid towards any child over 16 years of age.

Beneficiaries under the Act are limited to widows, with two dependent children under 16 years of age; or with one dependent child under 16, if another actually with her is physically or mentally incapacitated beyond earning; or with one child under 16 years if the mother because of permanent physical disability is unable to earn sufficient to maintain the child.

The mother must be shown to be dependent, and of good character. It must further be shown that the children are of legitimate birth, and actually with the mother.

The mother must be resident in Nova Scotia at the time of application for such allowance, and have been so, for three years immediately prior thereto, or since her marriage to her deceased husband. She must also have been resident in the province at the time of her husband's death, and he must have also been resident therein, at that time, and for three years' immediately prior thereto. The mother must be a British subject; Indian women are not eligible under the Act.

CHILD WELFARE.

The Children's Protection Act, Amendment. (20 Geo. V., 1930, Ch. 41).

One amendment bestows upon a judge of the juvenile Court, exercising his jurisdiction under this Act, all the privileges and immunities of a Judge of the Supreme Court of Nova Scotia.

Another amendment confers upon local municipalities (in cities and incorporated towns) the powers to make regulations for the control of children engaged as messengers and vendors, but subject to the approval of such regulations by the Governor-in-Council.

Clause (g) of Sub-section (3) of Section 84, which reads as follows:—
(g) "Judge" means the judge of a county court, or a stipendiary magistrate when specially authorized by the Governor-in-Council for the purpose of this Act.

is repealed and the following sub-section substituted:—

(g) "Judge" means a judge of the juvenile court or a stipendiary magistrate when specially authorized by the Governor-in-Council under the provisions of this part of this Act for the purposes thereof.

Section 97 which reads as follows:—

When on such examination the judge finds that such defective child has no settlement within the Province the payments required to be made under Section 23 of this Act shall be made, on this certificate of the director, by the Provincial Treasury of the Province.

is amended by striking out "Section 23" and substituting therefor the words and figures "Sections 96 and 98". The effect of this change is to limit the liability of a municipality for a mentally defective child, dependent on public support to specific costs, including maintenance in the provincial training school at the rate of \$200.00 per annum. The legislation as it stood established liability on the same basis as a child committed as a neglected child.

The sums to be paid by any city, town or municipality and the Provincial Treasury, for the maintenance of such child shall be paid to the Director and shall be due quarterly, namely, on the first day of October, June, April and July in each year, and may be recovered from such city, town or municipality as if they were private debts. A further amendment provides that in addition to the judge of a county court, the Governor-in-Council may authorize any judge of the juvenile court or any stipendiary magistrate to act as judge under this part of this act i.e. in examination on the apprehension of a defective child, and may fix the territorial jurisdiction of any judge so authorized and may from time to time change such territorial jurisdiction.

INDUSTRIAL LIFE.

Workmen's Compensation Act, Amendment. (20 Geo. V., Ch. 39).

This amendment adds the industry of dredging to the schedule of industries covered by the Act.

MENTAL HYGIENE.

Local Asylums for Harmless Insane, Amendment. (20 Geo. V., 1930, Ch. 21).

By this amendment, provision is made for the release of any patient in any such institution on report of the physician in charge of such asylum, providing that where the patient is feeble-minded, an idiot or an imbecile, the report recommending such release must be first made by the provincial psychiatrist.

ONTARIO.

ALLOWANCES, DEPENDENCY, PENSIONS, ETC.

The Old Age Pensions' Act, Amendment. (20 Geo. V., Ch. 56).

These too are amendments providing for technical changes in the administration. They authorize the appointment of local old age pensions boards by the Council of any county, city, or town separated from the County for Municipal purposes. Any member of the Council may be appointed a member of the Board, and while so acting may be entitled to the same remuneration, as he receives as a member of the Council. Such appointment shall not disqualify him for membership in the Council. The secretary of every local board is authorized to administer oaths, for the purpose of this Act, as if he were a Commissioner for taking affidavits.

An important amendment clarifies the provisions for cost, by enacting a new paragraph which states that "the moneys necessary to meet the old age pensions payable under this Act, and the salaries and expenses necessarily incurred in the administration of this Act by the Provincial Board and by the local authority in a provisional judicial district shall be paid out of such moneys as may be appropriated by the Legislature for that purpose," and in the absence of any such appropriation, out of the Consolidated Revenue Fund, "and the salaries and expenses necessarily incurred by the local authority except in a provisional judicial district shall be payable by the municipal corporation.

The Mothers' Allowances Act, Amendment. (20 Geo. V., Ch. 55).

These are but technical amendments.

(1) Conferring, for the purposes of this Act, on the secretary of every local mothers' allowances board, power to administer oaths, etc., to the same extent as a commissioner for taking affidavits.

(2) Validating the appointment of any member of the council of a municipality as a member of a local board, and removing all doubts of any disqualification thereby, from membership in such Council.

CHILD WELFARE.

The Children's Protection Act, Amendment. (20 Geo. V., Ch. 54).

These amendments provide for the joint erection of children's shelters by contiguous counties, and by cities and separated towns within a county, and authorize the borrowing of money on debentures to pay any part of the costs of such buildings.

Another clause of the amending act requires that two days' notice in writing must now be given to the municipality concerned, of the intention of a Society to apply for an order of commitment and maintenance against that municipality in respect to any child. Formerly the statute stipulated only "notice in writing."

The Juvenile Courts Act, Amendment. (20 Geo. V., Ch. 57).

This is merely a technical amendment making it clear that in the absence or illness of the deputy Judge, as well as of the Judge of the

Juvenile Court, on the written request and approval of the Attorney-General, any other person may act as judge of the Juvenile Court.

The Public Health Act, Amendment. (20 Geo. V., Ch. 52).

This amendment empowers the council of any city, town, or township bordering on a city with a population of not less than 100,000, to pass by-laws for the regulation and licensing of barber shops and hairdressing establishments. The amendment does not apply to any place where less than three persons are employed. The by-laws do not come into effect until approved in writing by the provincial department.

MENTAL HYGIENE.

The Hospitals for the Insane Act. (20 Geo. V., Ch. 66).

This Act repeals and amends certain sections of the Hospitals for the Insane Act (R.S.O. C. 353). The general effect of the Act is to empower the Public Trustee, to have and exercise all rights and powers with regard to the estate of any patient that the patient himself would have, if of sound mind. The Public Trustee is further specifically required to provide out of these funds, for the maintenance of the patient, and his dependants, with priority of payment to the latter.

The Vocational Educational Act (20, Geo. V., Ch. 64).

By this Act, any high school board, continuation school board, or board of education may provide for pupils in specified classes of vocational schools general or special full-time day courses, or part-time, or evening school courses may be established in classes in the industrial schools and departments; home-making schools and departments; art schools and departments; technical high schools and departments; agricultural high schools and departments; commercial high schools and departments: Qualifications for admission vary with the different types of classes, with special provision for the admission of pupils, over 13 years of age from auxiliary training classes.

Provision is made for the appointment by the school boards of Advisory Vocational Committees, in which representatives of various groups are to be included, e.g., public and separate schools, employees, and employers representative of various activities in the community, e.g., industrial, agricultural, commercial. These Committees are empowered, subject to the approval of the Minister, to appoint "co-ordinating officers" to bring the work of these schools or departments to the attention of employers and employees, and generally to effect co-ordination between the industries and the schools. Vocational guidance officers may similarly be employed to advise with the pupils, and plan their training. The Committees may similarly appoint supervising principals.

The costs of establishing and equipping such schools is to be met similarly to the usual provisions for ordinary high school buildings and expenditure.

Evening classes may be established by the Advisory Committees, at other centres in the County, outside of the district of its immediate jurisdiction.

By Part II. of this Act, the Minister is empowered to establish technical schools required in any industry or enter into agreement with any organization in the interest of any branch of industry for that purpose. The costs of the same are to be met by special provincial appropriations, or votes of the Dominion Government for technical education, or by any organization, as above cited, by special agreement. All such schools are to be under special boards, and subject to special regulations.

RECREATION.

The Theatre and Cinematographs Act Amendment (20, Geo. V., Ch. 58).

These amendments

- (a) Bring "public halls and buildings occupied by film exchanges" within the category of buildings, in respect to which the Lieut-Governor-in-Council may issue regulations under this Act.
- (b) Provide for the "re-examining and grading", as well as, previously, the "examining" only of operators and apprentices.
- (c) Raising the age under which children unaccompanied by an adult are permitted to attend regular moving picture and cinematograph exhibitions from 15 to 16 years, but adding school holidays to the specified days on which they may attend performances between 9 a.m. and 6 p.m. unaccompanied, if a qualified matron is in charge of the theatre at such times.
- (d) Extending to the inspector of theatres discretion as to the granting, refusing, or revoking of any licenses issued under the Act but making any such decision subject to appeal to the Provincial Treasurer. Appeal by an operator or apprentice may lie to an appeal board appointed by the Provincial Treasurer.
- (e) Providing that after May 31st, 1931, a license shall only be granted when the theatre is in a building of fireproof construction. By special permit this period may be extended but for no period exceeding one year from this date. Where any such building is held on a lease, which does not provide for such alterations, the cost thereof is to be apportioned according to the respective interests of landlord and lessee. In case these parties are unable to agree on the apportionment, either party may have recourse to arbitration. In the event of the owner not agreeing to make the alterations, by this date, the right of the tenant to terminate the lease is recognized.

GENERAL.

Purely technical amendments are made to the Lunacy Act, the Charitable Accounting Act, and the Dependents' Relief Act. These minor changes in no way affect the principles, or general operation of these statutes.

PRINCE EDWARD ISLAND.

CHILD WELFARE GUARDIANSHIP ACT.

The Adoption Act.—And Transfer of Guardianship Act.

During preliminary work on the survey on which the Council has been working in Prince Edward Island, it was pointed out that Island legislation did not provide for absolute adoption but that the process which had been so regarded, under the Adoption Act 1916 was only a system of indenture. On inquiry it was found that the Adoption Act itself had been inadvertently repealed in 1920-1, due to its inclusion in error in a schedule of repealed Acts, and that consequently for nine years, even this Act had not been in effect. The provincial authorities took the subject under immediate consideration, and in the 1930 session enacted these two statutes, the former providing for the retention of certain of the features of the 1916 Act.

The Transfer of Guardianship Act (20, Geo. V., Ch. 13).

This legislation provides that any agreement "heretofore or hereafter made" by the parent or next of kin of an infant to transfer or assign "all rights whatever" to a third person named in such an agreement shall be deemed a transfer of guardianship of such child until he attains the age of 21 years, or in the case of a girl, until she attains that age or marries.

Children who are orphans taken into charitable institutions, or other children over whom all rights of guardianship are transferred by their guardians or relatives to the authorities of the institution, become the legal wards of the said institutions under this Act and the latter may transfer guardianship to another party. (This re-enacts features of the old Adoption Act.) The representative of any such institution, however, retains all powers of supervision and removal which may be stipulated in the agreement.

Any agreement duly executed transferring guardianship shall be valid in law and impose upon the transferee all the legal obligations and duties as of a parent or guardian. Any person inducing a child to leave his guardian is liable to a maximum penalty of \$40.00 for each offence.

Because of the peculiar situation which had arisen due to the continued recourse of the institutions to the Act that from 1920-1 to 1929-30 had stood inadvertently repealed, this Act provides that all agreements, transfers, etc., entered into in this period that would have been valid under the Act are hereby confirmed and declared to be valid, binding and effectual.

The Adoption Act (20, Geo. V., Ch. 12).

This is an entirely new statute, which follows closely the Ontario statute of the same name, and incorporates some features of the British Adoption Act. It provides for a system of absolute adoption through the Court of Chancery, as distinct from legal transfer of guardianship and custody.

The adoption petition may be made by any adult person, but a joint application is required from a husband and wife.

No order for adoption is to issue without the verified written consent of:

- (a) The child, if over 10 years of age, though provision is made for a special order by the judge, if the refusal of any child under 14 years of age be considered unreasonable.
 - (b) The parents or surviving parent of the child, or the guardian or person having the custody of the child, or the mother only if the child be illegitimate.
 - (c) The parent by adoption, in a subsequent adoption.
 - (d) One of the next of kin where the child has no parent or guardian.
- Provided:
- (f) That where a transfer of guardianship made prior to this enactment is held by the adopting parent, this further consent shall not be necessary. Notwithstanding this proviso, however, the Judge may, in his discretion, order such notice to be given to the parents, guardians, or next of kin of the child.
 - (e) The agent of a Children's Aid Society or of the trustees of an orphanage, where the child is under the custody or control of said agency.

If such written consent is not submitted with the application, the Judge may order notice of the application to be served on the parties whose consent is required. If after such notice, the parties fail to appear, or appear and do not oppose the application, or offer in the Judge's opinion, insufficient ground for opposition, this consent may be dispensed with.

The petition is to be presented to the Judge in his chambers, and the responsibility is placed on him of satisfying himself as to the "moral qualities" as well as to the general "fitness" of the adopting parents before issuing the order of adoption. His order shall be final and without appeal; the application may only be renewed if new facts are alleged. Annulment of adoption "if justified on very grave grounds" may be pronounced by a Judge of the Court of Chancery, on petition of the adopter or any of the parties, whose consent would have been required under the Act, to the adoption in the first place, but notice of the petition for annulment must be given to adopter, adopted, and to any other person whom the Judge may designate.

An adoption order divests the natural parent of all rights, obligations and duties towards the child, and confers these on the adopting parent. Property succession rights also accrue to the adopting child from the adopting parents, and from their legal descendants, but from no other of the kindred of such parents. The rights of intestate succession are likewise assumed by such child, as well as rights of inheritance from his natural parents except where the latter have other legal descendants.

All the legal consequences of any previous order of adoption shall determine upon the making of a subsequent order, except insofar as any interest in property may have vested in the adopted child.

An adoption made in accordance with the laws of any other province of Canada shall hold within Prince Edward Island.

Provision is made, similar to that of several of the provinces, for the registration of the adoption order by the Court Registrar with the Registrar of Vital Statistics, and for special cross entries between the Adopted Children Register, and the ordinary Register.

Nothing in the Act is to be interpreted as affecting the operation of the Children's Protection Act, or as having affected operations under the Adoption Act 1916, or the Transfer of Guardianship Act, which now supersedes it.

An Act to Amend the Act for the Protection of Children of Unmarried Parents (P.E.I., 1930, Ch. 15).

This is merely a technical amendment to assist in the practical application of the law, whereby the affidavit to ground the warrant may be taken before any person duly authorized to administer oaths, whether such person is the attorney of the applicant or the partner or clerk of such attorney.

Another minor amendment empowers the Judge in granting release of the putative father on surety to fix the time for his appearance as mentioned in the warrant, or "at such other time and place as the judge may appoint."

EDUCATION.

The Education and Public Health Act (20, Geo. V., Ch. 17).

Prince Edward Island, until three years ago, was without a provincial officer of health, but since that time has made unusual progress in the development of her public health services which had been previously carried on, almost entirely through voluntary agencies. This gradual progress is now confirmed by this enactment creating a provincial Department of Education and Public Health, under a Minister of the Crown. This Minister is to be designated respectively Minister of Education, or Minister of Public Health.

The Provincial Board of Education is to consist of the Minister as Chairman, the Chief Superintendent of Education, the Principal of Prince of Wales' College, the Rector of St. Dunstan's University, and a representative appointed by the Central Farmer's Institute, by the Women's Institute, and one person, other than a member of the Legislature, appointed by the Lieutenant-Governor-in-Council. This Board is to exercise all the powers held by the present board, and in addition thereto, the exclusive right of appointment to provincial educational posts, including inspectors and instructors in Prince of Wales' College.

GENERAL.

Incorporations—Aged Protestant Ladies' Home. (20 Geo. V., Ch. 25).

Provision is made by this legislation for the incorporation under its own board, of "The Protestant Old Ladies Home" to be established in the city of Charlottetown.

The Sisters of Saint Martha. (20 Geo. V., Ch. 26).

This Act provides for the incorporation of the religious congregation of the Sisters of Saint Martha, attached to the Roman Catholic Diocese of Charlottetown. The usual powers are conferred upon the Corporation, the objects of which are described as:—

"Education, visiting, relieving and consoling the sick, the poor and those otherwise afflicted, the distribution of alms the maintaining, conducting and operating of orphanages, hospitals, and infirmaries, infants' homes, sanatoria, reformatory, refuges and other charitable and eleemosynary institutions whatsoever."

QUEBEC.

CHILD WELFARE.

The Child Protection Tuberculosis Act. (20 Geo. V., C. 83).

This is one of the most interesting enactments in Social Welfare in Canada, during the past year. It provides for experimentation in the adaptation of the Grancher system in Quebec.

The Act provides for the creation of a Child Family Placement Service in the provincial bureau of health, charged with the placing of children who have been exposed to but not infected with tuberculosis, in private families in rural areas.

This Placement Service is authorized to establish placement centres, in parishes of its selection, and conclude with clergymen of the area, arrangements for the selection of families, and for the "moral and physical supervision" of the children placed with them, and who are to be described as "pupils." Contracts for the maintenance of the children, the payment of their board, the remuneration of the supervising clergymen, and attending physicians may be concluded by the Director of the Provincial Bureau of Health. Payment is to be made out of the Consolidated Revenue of the province.

PUBLIC HEALTH.

The Health Units Act. Amendment. (25 Geo. V., C. 82).

One section of the amendments provides for rendering compulsory, by order of the Lieut. Governor-in-Council, the handing over to the county health unit by municipalities of the care of their public health and of their contribution to the operation of the said unit.

A further amendment provides for a revised schedule of tax for health units, whenever the valuation of the taxable real estate of the municipalities forming the unit is less than \$6,000,000.00. The tax so collected may be fixed, at not less than one twelfth the budget of the unit for the first year of operation, one-eighth for the second year, one-sixth for the third year, and one-fourth for subsequent years.

Wherever a health unit is established it shall be the municipal sanitary authority as regards the notification of disease for that area.

LEGISLATION RE FAMILY LIFE.

The Marriage License Act, Amendment. (20 Geo. V., 84).

This amendment requires that unless the issuer of marriage licenses personally knows the applicant for a license, he must satisfy himself as to his identity, and before issuing any license shall require the applicant to take an affidavit declaring the names, occupations, domicile, age, etc., of the applicants, similar information re their parents, whether either or both applicants have been divorced, and if so, the details of the granting of the divorce.

INDUSTRIAL LIFE.

Women's Minimum Wage Act, Amendment. (20 Geo. V., C. 46).

The amendment provides that the Minimum Wage Commissioner, in future, is to consist of four members, appointed by the Lieut. Governor-in-Council, who shall also designate the chairman. One member shall be a woman, and three members shall constitute a quorum.

The scope of the Act is widened to apply to "workshops which form part of commercial establishments."

Provision is also made for the fixing of minimum wages, working hours, and overtime rates, by vote of the majority members of any minimum wage conference granted in any industry in the schedule.

A penalty of \$100.00, is fixed for any violation of the orders of the Commission by any employer.

RECREATION.

The Moving Picture Act, Amendment. (20 Geo. V., C. 76).

This amendment requires prior approval by the Board of Moving Picture Censors for any cut, drawing, or engraving appearing in any newspaper advertisement of any film.

GENERAL.

Quebec Social Insurance Commission. (20 Geo. V., C. 14).

By this Act, the Lieut. Governor-in-Council is empowered to appoint a special Commission of not more than seven members, to study the situation "respecting the establishment in this province of a system of social insurance, and of a family placement system, and the kind of legislation to be adopted in that respect."

SASKATCHEWAN.

The Child Welfare Act, Amendment. (20 Geo. V., 1930, C. 70).

Mothers' Allowances.

Section 100, dealing with Mothers' Allowances is amended to provide that where the husband of an applicant has not been heard of for seven years, the Minister may presume that he is dead, and that at the time of his death, he was a resident of Saskatchewan.

The practical effect of this amendment will be to admit to allowance, on the minister's authorization in each case, a woman, who has been deserted over at least a seven year period and whose husband has not been heard of for seven years, and who otherwise meets the conditions of eligibility prescribed under the Act.

Unmarried Parenthood.

Part VII of the Act is repealed and an entirely new section substituted. This section does not amend the Act in any important principle but clarifies the definitions and differentiates the procedure to be followed when proceedings are started before, or after, the birth of the child. The division of costs, and the various lines of possible disposition of the case are also much more explicitly set forth. Provision is also made in Section 126 for proceedings in the absence of the alleged father, and in Section 127 for proceedings on default. The provisions covering settlement by private agreement form still another division.

One section also provides for action being taken for contribution towards the maintenance of the child from the putative father, when no affiliation order has been made. Such an action is to be brought as for a debt.

A special section validates any action under the Act, though the mother, father, or putative father of the child be a minor.

PUBLIC HEALTH.

The Public Health Act, Amendment. (20 Geo. V., 1930, C. 63).

The amendments are largely technical beyond one adding to the classes of places subject to public health regulation, and inspection, barbers' shops, ladies' hairdressing, manicuring and beauty parlours.

The Cancer Commission Act. (20 Geo. V., 1930, C. 64).

This Act provides for the appointment of a Cancer Commission of one, two, or three members, appointed by the Lieut. Governor-in-Council, and one of whom shall be named Chairman. The Commission may submit any matters relating to their activities to the council of public health, for report to the Minister.

The Commission is given wide powers to study the problem of cancer within the province; to carry on public education on the subject; to establish cancer clinics, and issue regulations governing their operation; and to obtain a supply of radium with the necessary equipment, appurtenances, and apparatus for diagnosis and treatment of cancer.

Fees may be charged for treatment and paid into the consolidated fund, while the cost of treatment to any indigent person may be recovered from the municipality liable therefor.

Administration expenses are to be paid out of a special appropriation, while capital expenditures may be raised by special provincial loan.

PUBLIC HEALTH.

Tuberculosis Sanatoria and Hospitals Act, Amendment. (20 Geo. V., 1930, C. 84).

By this amendment, the proportion of the net estimated expenditure on the system of sanatoria, etc., to be borne by the municipalities is to be assigned 60% to the urban municipalities and 40% to the rural, on the basis of their total equalized assessment for the preceding year.

MENTAL HYGIENE.

The Mental Defectives Act. (20 Geo. V., 1930, C. 71).

This comprehensive measure which came into force July 1st, 1930, makes provision for the establishment and operation of provincial training schools for mental defectives, and for the admission, training parole, placement or discharge of patients of such school.

The definition of "mentally defective person" in the statute is of particular interest. It defines as such:—

"A person actually or apparently of or over the age of 16 years, in whom there is a condition of arrested or incomplete development of mind which existed before the age of 16 years, whether arising from inherent causes or induced by disease or injury and includes:

- (a) an idiot, that is to say, a person mentally defective to such a degree as to be unable to guard himself against common physical dangers.
- (b) an imbecile, that is to say, a person mentally defective to such a degree that he is not an idiot, yet so mentally defective that he is incapable of managing himself or his affairs.
- (c) A moron or feeble-minded person, that is to say a person mentally defective to such a degree that he is not an imbecile yet so mentally defective that he requires care, supervision and control for his own protection and for the protection of others."

The administration of the Act is placed under the Minister of Public Health. 'Training school' is to be defined as any institution established for the reception, care and training of mentally defective persons, or any part of an institution set aside for these purposes. The superintendent is to be the chief executive officer of each such school, and to be in charge of all details of training of pupils and staff. A bursar is to be attached to each school, also, in charge of income and expenditure, and such other similar administrative duties as may be assigned to him.

The Act provides that any person "who suspects and believes" that another is mentally defective may lay an information on oath before a justice of the peace, who may issue a warrant for the apprehension of such person. If any relative or friend of the alleged mentally defective person so requests the warrant may be directed to and executed by such

person. If the person suspected of being mentally defective, has a parent or guardian, the information is to be laid by the parent or guardian, or with his consent, unless, the person under suspicion is found neglected, abandoned or without visible means of support, or is being cruelly treated, or is the mother or expectant mother of an illegitimate child.

Apprehension without warrant may be made by any constable, or peace officer of any person apparently mentally defective and conducting himself in what would be a disorderly manner, were he a normal person.

When a person has been apprehended by any of these processes, the justice is to arrange a hearing under oath, requiring evidence along lines listed in the Act, and which is to include the statements of a duly qualified medical practitioner, and also of "non-professional" persons. The hearing may be adjourned from time to time with the person in safe custody, but in no case shall the person be committed to any gaol, prison or reformatory, nor any adjournment be for more than three days.

If the person be found mentally defective, he is to be committed to the custody of some relative or friend or other safe custody other than a gaol, prison or reformatory, to await transfer to a training school, or discharge, by order of the Minister. The justice shall further enquire into those financial facts which will enable him to determine whether the person should be supported at public cost. The details of the hearing are to be forwarded to the Minister.

If the justice decide that the person is not mentally defective, he shall forthwith discharge him.

Wherever a person confined in a gaol for any offence is adjudged on certificate of a duly qualified medical practitioner to be mentally defective, the Minister shall order a hearing of his case, by the procedure similar to that above described.

Detention upon authority of the certificates of two legally qualified medical practitioners is also possible, however, notwithstanding other provisions. Such authority shall be sufficient to detain such person in a training school "as long as he remains mentally defective."

Appeal from committal following a hearing before a justice may lie to a judge, who may grant a certificate which shall be authority for the discharge of the applicant, or he may dismiss the application for appeal.

No person admitted to a training school shall be discharged therefrom, unless the superintendent is satisfied that he is sufficiently recovered to justify such action, and also that after investigation, his home conditions justify such action.

The superintendent may release any pupil on probation to the custody of friends, on their written undertaking for his supervision, but this shall not apply to any person, imprisoned for an offence, the period of whose sentence has not expired. A pupil so released may be recommitted within six months thereof, solely by warrant of the Minister. In case of escape, any official of the school may apprehend him without warrant within forty-eight hours or with warrant of the Minister within one month of his escape.

Expenses and maintenance are to be met by the patient or relatives legally liable, if they are capable of paying therefor. In case of indigents,

the cost is to be borne by the province. The Act will apply only to those Indians in respect to whom the Superintendent General of Indian Affairs guarantees the expenses.

By a special section of the Act, non-liability to civil proceedings is assured to persons, who acting in good faith and with reasonable care, lay any information or make any commitment under the terms of this statute.

The Lieut. Governor-in-Council may by regulation authorize the temporary use of any building as a training school, and may make regulations generally for the conduct and government of all such schools.

INDUSTRIAL LIFE.

One Day's Rest in Seven Act. (20 Geo. V., 1930, C. 81).

This Act provides for at least twenty four consecutive hours of rest, whenever possible on a Sunday for every employee within the province, with the exception of certain specified groups, the nature of whose duties would prevent the rigid application of the measure.

INDUSTRIAL LIFE.

Minimum Wage Act, Amendment. (20 Geo. V., 1930, C. 69).

This amendment empowers the Minister to require from employers detailed returns on pay lists, etc., as he may from time to time require. A penalty of \$10.00 is provided for each day's default in supplying this information.

UNEMPLOYMENT AND RELIEF.

(Special Session 1929).

The Municipalities Relief Act. (20 Geo. V., 1929, Ch. 2).

This Act authorized any municipality to borrow such sums as might be required up to June 1st, 1930, for the relief of farmers in need of assistance because of crop failures or other similar adverse conditions. The money was to be borrowed under authority of a by-law, fixing the amount and purpose of the same, and approved by the Minister of Municipal Affairs.

The amount of relief to be advanced by any municipality to any family must not exceed, unless by permission of the Minister.

- (a) one sack of flour for each adult member, and for each child over 5 years, and one half sack for each child of 5 years or under.
- (b) five tons of coal.
- (c) fodder to the value of \$150.00 for each quarter section owned or occupied by the applicant.

In no case was a cash advance to be made.

In placing food and fuel orders preference was to be given to local dealers if prices were reasonable.

Any municipality granting aid under the Act was to take a lien note, charging the lands of the applicant with the repayment of the advance and interest thereon at 7%.

The Provincial Treasurer might, on authority of the Lieut. Governor-in-Council, guarantee any municipal loans made under this Act, and also reimburse any municipalities for losses incurred under its operations.

GENERAL.

Vital Statistics Act, Amendment. (20 Geo. V., 1930, Ch. 14).

Many of the sections in this amending enactment cover wholly technical points but certain sections are of special interest.

Section 7 is amended to prohibit the search of any record of an illegitimate birth, registered by the Commissioner of Child Protection, unless he gives his written consent thereto.

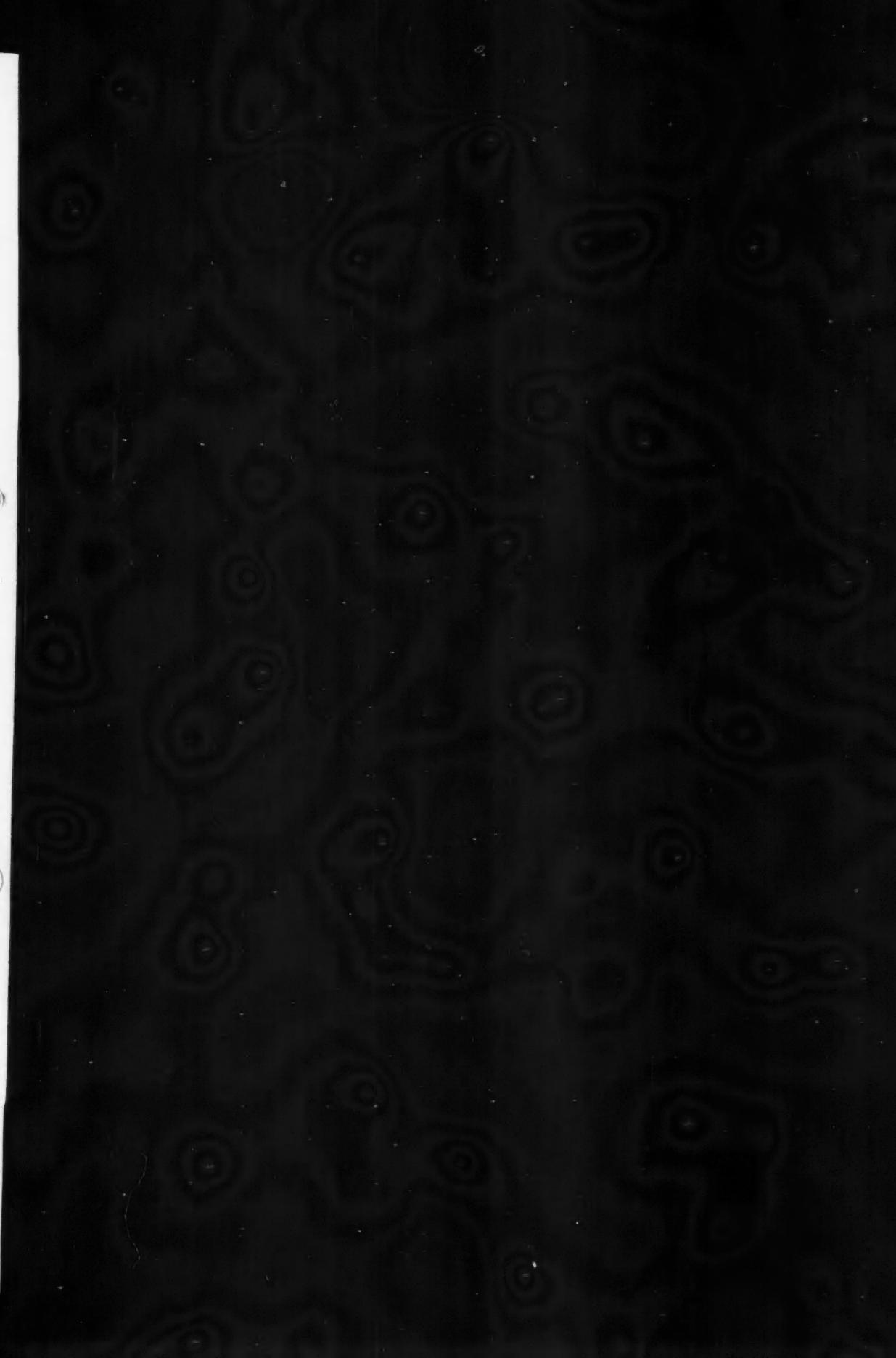
No local registrar is authorized to issue any certificates of births, marriages or deaths; all such applications are to be made to the registrar general. The only exception to this procedure is the permission accorded to coroners and police officers to search original records still in the local registrar's possession.

A child of illegitimate birth is to be registered in the name of the mother only, unless the father and mother request in writing that both names be registered.

Provision is made for the registration by the adopting parents or by the Commissioner of Child Protection, of an adopted child whose birth has not been previously registered.

GENERAL.

Wholly technical amendments were made to the Marriage Act (20 Geo. V., 1930, C. 58), the Infants Act (20 Geo. V., 1930, C. 59), the Parents' Maintenance Act, (20 Geo. V., 1930, C. 60.)





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- No. 4. Illiteracy Breeds Illiteracy, 1921 Census.
- No. 6. Child Placing is Child Saving.
- No. 5. The Vicious Treadmill (Illiteracy in Cities—1921 Census).
- No. 13. A Blot on the Map of Canada. (English and French).

- Posters (at cost)—No. 1. "The Gay Adventurers." No. 4. "Baby's Stomach is Very Small."
- No. 2. "The Protection of the Child." No. 5. "Have You a Clean Bill of Health."
- No. 3. "Every Canadian's Heritage." No. 6. "The Porridge Party."
- No. 7. "The Sun Baby."

Pre-Natal Letters—(In English and French). A series of nine letters giving pre-natal help and advice. (Free).

Post-Natal Letters—A series of twelve letters giving post-natal help and advice. (Free).

Child Welfare Problems in Habit Formation and Training—(A series of six pamphlets). (Free).

Patterns—Layette Patterns and Patterns for Abdominal and Hose Supports. (At cost).

Diet Folders—Series 1, 2, 3, 4, 5—dealing with the child's diet from birth to school age. (At cost).

Health Record Forms—For the use of physicians, clinics, conferences, etc. (At cost).

Record Forms—(1) Child's History. (2) Family History. For the use of children's agencies, institutions, etc. (At cost). (3) Physical Record Forms for Institutions. (At cost).

Annually—Proceedings and Papers of the Annual Meeting and Conference.

Official Organ—"Child and Family Welfare," issued bi-monthly.

*Out of print.

Canadian Council on Child Welfare

Founded in Ottawa, in 1920, as the result of a National Conference of Child Welfare Workers, convened by the Child Welfare Division, Federal Department of Health.
406 PLAZA BLDG., OTTAWA, CANADA.

OBJECTS.

1. To promote in co-operation with the Child Welfare Division of the Federal Department of Health, and otherwise, the general aims of the Council:
 - (1) By an annual deliberative meeting, held preferably in September or May, of each year
 - (2) By the activities of subsections of membership on Child Hygiene, The Child in Industry, Recreation and Education, The Child in Need of Special Care, The Spiritual and Ethical Development of the Child.
 - (3) By affording a connecting link between the Child Welfare Division of the Federal Department of Health, and the Council's constituent bodies.
 - (4) By such further developments of the general program of Child Welfare as may be recommended from time to time by the executive or any sub-committee thereof.
2. To arrange for an annual conference on Child Welfare matters.
3. To co-ordinate the Child Welfare programs of its constituent bodies.

MEMBERSHIP.

The membership shall be of two groups, institutional and individual.

- (1) Institutional membership shall be open to any organization, institution or group having the progress of Canadian Child Welfare wholly or in part included in their program, articles of incorporation, or other statement of incorporation.
- (2) Individual membership shall be open to any individual interested in or engaged in Child Welfare work, upon payment of the fee, whether that individual is in work, under any government in Canada or not.
- (3) All classes of members shall have equal rights of vote and speech in all meetings of the Council.

FEES.

1. National Organizations Annual Fee, \$5.00—Representatives: 3.
2. Provincial Organizations Annual Fee, \$3.00—Representatives: 2.
3. Municipal Organizations Annual Fee, \$2.00—Representatives: 1.
4. Individual Members Annual Fee, \$1.00—Representatives: 1.

In electing the Governing Council and the Executive, all members will be grouped according to their registration by the Treasurer.

Every member will receive a copy of the proceedings of the Annual Conference and such other publications as may be published from time to time.

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